

BOARD OF TRUSTEES

Allen M. Freeman
Nicholas J. Kelly
Peter J. Kambelos, MD

Fiscal Officer

Debbie S. Schwey

Administrator

Loretta E. Rokey



950 Locust Corner Road
Cincinnati, Ohio 45245

(513) 752.6262

Fax # (513) 752.8981

www.piercetownship.org

Board of Zoning Appeals
Meeting Minutes

Case #VC2021-002, VC2021-003, VC2021-004, VC2021-006 & VC2021-007
August 10, 2021

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 6:30pm, on Tuesday August 10, 2021, at the Pierce Township Administration Building, 950 Locust Corner Road.

CALL TO ORDER/ROLL CALL

Acting Chair Bob Sander called the meeting to order. Board members answering roll call Mr. Ray Lembke, Mr. Fred Heyse, Mr. Bob Sander, and Ms. Lynn Holman. Township personnel who were also present: Mr. Eddie McCarthy, Planning & Zoning Administrator.

PLEDGE OF ALLEGIANCE

Acting Chair Bob Sander led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM AUGUST 4, 2021 MEETING

Mr. Lembke made a motion, seconded by Mr. Heyse to approve the minutes of the August 4, 2021 hearing as presented. Roll call on motion: Mr. Sander, yea; Ms. Holman, yea; Mr. Heyse, yea; Mr. Lembke, yea.

OATH TAKEN BY ATTENDEES

Acting Chair Bob Sander administered the oath to attendees.

OLD BUSINESS

CASE #VC2021-002 1097 SR 125

Acting Chair Bob Sander opened the continued hearing on case #VC2021-002 1097 SR 125.

STAFF REPORT FOR CASE #VC2021-002 1097 SR 125

Mr. McCarthy presented his staff report for BZA case #VC2021-002. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, 6.06-1 (Setbacks), to build an addition on the side lot line (15' required). The applicant is proposing to construct a 726 sq. ft (+/-) addition in the side yard to improve operational efficiency of the restaurant. Mr. McCarthy read into the record, easement document and response from Legal Counsel regarding the easement on property 1097 SR 125.

PUBLIC COMMENT

Acting Chair Bob Sander opened public comments on case #VC2021-002 1097 SR 125.

None

MOTION

Mr. Lembke made a motion, seconded by Mr. Heyse to close the public hearing on case VC2021-002.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

Mr. Heyse made a motion, seconded by Ms. Holman to approve variance requested for case VC2021-002 with agreeing with all staff's comments with the exception of # 1 and that is, special situation with this property having a permanent easement 38 ft to east of the building that effectively moves the property line running with the land as we heard from the Pierce Township legal resource and with the conditions the applicant must comply with may not further increase the surface area of the nonconformity unless in compliance with the Resolution, applicant must comply with parking requirements & all federal, state, and local regulations.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

NEW BUSINESS

CASE #VC2021-003 3030 SPRESSER HILL ROAD

Acting Chair Bob Sander opened the hearing on case #VC2021-003 3030 Spresser Hill Road.

STAFF REPORT FOR CASE #VC2021-003 3030 SPRESSER HILL ROAD

Mr. McCarthy presented his staff report for BZA case #VC2021-003. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, 4.05-1 (Yards Permitted), to build a swimming pool outside of the rear yard. The applicant is proposing to construct a 648 sq. ft (+/-) swimming in the side yard.

Mr. McCarthy stated the legal notice had to be corrected, new notices were mailed & phone calls made to a number of adjacent property owners.

PRESENTATION FROM APPLICANT

Mr. Gislason gave his testimony about why he is requesting a dimensional variance to build a swimming pool outside of the rear yard.

The board talked the about the outline of pool, east/west 18 & north/south 36, lot lines, and conditions.

PUBLIC COMMENT

Acting Chair Bob Sander opened public comments on case #VC2021-003 3030 Spresser Hill Road

None

MOTION

Mr. Lembke made a motion, seconded by Mr. Heyse to approve the application with the following conditions:

- 1) A 50' vegetative buffer be maintained between Spresser Hill Road and the pool, so as to limit the visibility of the pool from adjoining areas.

2) The applicant must comply with all federal, state and local regulations.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

CASE #VC2021-004 702 SR 749

Acting Chair Bob Sander opened the hearing on case #VC2021-004 702 SR 749.

STAFF REPORT FOR CASE #VC2021-004 702 SR 749

Mr. McCarthy presented his staff report for BZA case #VC2021-004. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, 4.05-1 (Yards Permitted), to build a detached garage outside of the rear yard. The applicant is proposing to construct a 1,254sq. ft (+/-) garage in the front yard.

PRESENTATION FROM APPLICANT

Mr. McCarthy read into the record a statement from Kathy Wilson giving Steve Wilson permission to testify on her behalf.

Mr. Steve Wilson gave his testimony about why Ms. Kathy Wilson is requesting a dimensional variance to build a detached garage outside of the rear yard. The applicant is proposing to construct a 1,254sq. ft (+/-) garage in the front yard.

The board talked the about the side yard location, buffer, storage use, and slope of property.

PUBLIC COMMENT

Acting Chair Bob Sander opened public comments on case #VC2021-004.

None

MOTION

Ms. Holman made a motion, seconded by Mr. Lembke to close the public hearing on case VC2021-004.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

Mr. Heyse made a motion, seconded by Mr. Lembke to approve variance requested on case VC2021-004 with fulling in agreement with staff's comments, findings, and staff recommendations with the following conditions:

- 1) A side yard setback of 41' (+) be maintained on the side yard.
- 2) The applicant must comply with all federal, state and local regulations.
- 3) Existing vegetation at a minimum be maintained in the side yard setback at least in front of the new structure and SR 749.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

CASE #VC2021-006 21 PLATFORM STREET

Acting Chair Bob Sander opened the hearing on case #VC2021-006 21 Platform Street.

STAFF REPORT FOR CASE #VC2021-006 21 PLATFORM STREET

Mr. McCarthy presented his staff report for BZA case #VC2021-006. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution Planned Unit Development District(s) Setback Standard(s) Article 18.11 to build a sunroom addition within the rear yard setback. The applicant is proposing to construct (1) one sunroom 180 sq. ft (+/-), 27' from the rear lot line (30' required).

PRESENTATION FROM APPLICANT

Mr. Stein (Stein Construction) gave his testimony about why Ms. McIlvain is requesting a dimensional variance to build the sunroom addition within the rear yard with a rear yard setback of 27'.

Ms. McIlvain gave his testimony about why she is requesting a dimensional variance to build the sunroom addition within the rear yard with a rear yard setback of 27'. Ms. McIlvain stated she provided a letter to each of the adjacent property owner explaining what she is requesting to the Board of Zoning Appeals.

The board talked about the adjacent properties, rear yard lot line, HOA approvals, and the design of the roof.

PUBLIC COMMENT

Acting Chair Bob Sander opened public comments on case #VC2021-006 21 Platform Street.

None

MOTION

Staff further explained that the rear yard setback generally attempts to create a cohesive neighborhood aesthetic.

Mr. Lembke stated that there does not appear to be a unique circumstance on this property which would justify modifying the rear yard setback. Mr. Heyse then stated that he does not see a particular hardship in this case.

Mr. Heyse made a motion, seconded by Mr. Lembke to close the public hearing on case VC2021-006.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

Mr. Lembke made a motion, seconded by Mr. to Heyse to deny variance request for case VC2021-006.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

CASE #VC2021-007 1145 SR 125

Acting Chair Bob Sander opened the hearing on case #VC2021-007 114 SR 125.

STAFF REPORT FOR CASE #VC2021-007 1145 SR 125

Mr. McCarthy presented his staff report for BZA case #VC2021-007. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, Article 12.10 (setbacks), to permit a pole sign 5.6' from the ROW (10' req'd).

The board talked about the previous business discontinued operation of business, non-conforming issues, existing signs on SR125, and change of zoning on setbacks for business signs.

PRESENTATION FROM APPLICANT

Mr. Khan (Khan Signs, Inc.) gave his testimony about why he is requesting a dimensional variance to permit a pole sign 5.6' from the ROW which will show the gas prices.

The board talked about the height requirements for the sign, raise the sign, visibility issues, changing locations or making the sign higher, setbacks for signs, wall signs, and non-confirming issues. Mr. Ketan Patel (property owner) spoke about the reason for requesting the pole sign 5.6' from the ROW. He stated there is no place for them to place the sign without having to move the awing and/or gas pumps. They were not aware of the change in the zoning regulations for signs. If they would move the sign back, they would have to create a new island to place the sign.

PUBLIC COMMENT

Acting Chair Bob Sander opened public comments on case #VC2021-007 1145 SR 125.

MOTION

Mr. Heyse made a motion, seconded by Mr. Lembke to open public comment on case VC2021-007. Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

Mr. Lembke made a motion, seconded by Mr. Heyse to close the public hearing on case VC2021-007.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, yea. Motion passes.

BOARD DISCUSSION

The board discussed the non-conforming sign, discussed whether hardship was present, and zoning regulations.

MOTION

Mr. Heyse made a motion, seconded by Mr. Lembke to deny variance requested VC2021-007 & in complete agreement with findings recommendation of staff.

Roll call on motion: Mr. Sander, yea; Mr. Heyse, yea; and Mr. Lembke, yea; Ms. Holman, nay. Motion passes.

ADJOURNMENT

At 8:04 PM, Mr. Heyse made a motion to adjourn seconded by Mr. Lembke Roll call on Motion: Roll call on motion: All yeas.

ATTESTED;

The foregoing minutes were approved by the Pierce Township Board of Zoning Appeals on October 7, 2021.

Bob Sander, Acting Chairman (August 10, 2021)

Date